

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

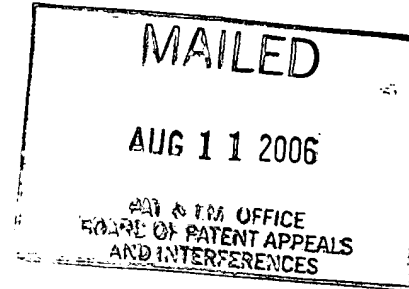
Ex parte MICHAEL BRINKMAN
And KIRK LEWIS

Application No. 10/743,215

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 20, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On February 15, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page 3, paragraph 8, the examiner has stated, "No evidence is relied upon by the examiner in the rejection of the claims under appeal."



A review of the file reveals that references to Fast et al. (Patent No. 6,688,567), and Nagel (U.S. Patent No. 6,708,436) were applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the examiner's answer. Before further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) 1207.02. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner for:

1) vacate the Examiner's Answer mailed February 15, 2006, and issue a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section, paragraph (8); and

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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By:

A handwritten signature in black ink, appearing to read "Dale M. Shaw", written over a horizontal line.

DALE M. SHAW

Deputy Chief Appeal Administrator
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DMS/dal

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